

AMENDED IN ASSEMBLY APRIL 9, 2013  
AMENDED IN ASSEMBLY MARCH 21, 2013  
CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1174**

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**Introduced by Assembly Member ~~Members~~ Bocanegra and Logue**

February 22, 2013

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An act to amend Sections 1752.4, 1753.5, 1753.6, and 1910 of the Business and Professions Code, and to add Section 14132.726 to the Welfare and Institution Code, relating to oral health.

LEGISLATIVE COUNSEL'S DIGEST

AB 1174, as amended, Bocanegra. Dental professionals: teledentistry under Medi-Cal.

(1) Existing law, the Dental Practice Act, establishes the Dental Board of California. Existing law creates, within the jurisdiction of the board, a Dental Assisting Council that is responsible for the regulation of dental assistants, registered dental assistants, and registered dental assistants in extended functions and a Dental Hygiene Committee of California, that is responsible for the regulation of registered dental hygienists, registered dental hygienists in alternative practice, and registered dental hygienists in extended functions. Existing law governs the scope of practice for those professionals.

This bill would authorize a registered dental assistant to determine which radiographs to perform if he or she has completed a specified educational program. The bill would authorize a registered dental assistant in extended functions licensed on or after January 1, 2010, to place interim therapeutic restorations, as defined, pursuant to the order, control, and full professional responsibility of a licensed dentist, as

specified. The bill would authorize a registered dental hygienist to ~~operate dental radiography equipment for the purpose of oral radiography, and~~, after submitting to the committee evidence of satisfactory completion of a course of instruction approved by the committee, determine which radiographs to perform and place interim therapeutic restorations upon the order of a licensed dentist.

(2) Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services, under which qualified low-income individuals receive health care services, including certain dental services, as specified. Existing law provides that, to the extent that federal financial participation is available, face-to-face contact between a health care provider and a patient is not required under the Medi-Cal program for “teleophthalmology and teledermatology by store and forward,” as defined to mean the asynchronous transmission of medical information to be reviewed at a later time by a licensed physician or optometrist, as specified, at a distant site.

This bill would enact similar provisions relating to the use of teledentistry, as defined, under the Medi-Cal program. The bill would provide that, to the extent that federal financial participation is available, face-to-face contact between a health care provider and a patient shall not be required under the Medi-Cal program for “teledentistry by store and forward.” The bill would define that term to mean an asynchronous transmission of dental information to be reviewed at a later time by a licensed dentist at a distant site, where the dentist at the distant site reviews the dental information without the patient being present in real time, as defined and as specified. The bill would also provide that dentist participation in services provided at an intermittent clinic, as defined, through the use of telehealth, as defined, shall be considered a billable encounter under Medi-Cal. The bill would also require, on or before January 1, 2017, the department to report to the Legislature the number and type of services provided, and the payments made related to the application of teledentistry, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 1752.4 of the Business and Professions
- 2 Code is amended to read:

1 1752.4. (a) A registered dental assistant may perform all of  
2 the following duties:

- 3 (1) All duties that a dental assistant is allowed to perform.
- 4 (2) Mouth-mirror inspections of the oral cavity, to include  
5 charting of obvious lesions, existing restorations, and missing  
6 teeth.
- 7 (3) Apply and activate bleaching agents using a nonlaser  
8 light-curing device.
- 9 (4) Use of automated caries detection devices and materials to  
10 gather information for diagnosis by the dentist.
- 11 (5) Obtain intraoral images for computer-aided design (CAD),  
12 milled restorations.
- 13 (6) Pulp vitality testing and recording of findings.
- 14 (7) Place bases, liners, and bonding agents.
- 15 (8) Chemically prepare teeth for bonding.
- 16 (9) Place, adjust, and finish direct provisional restorations.
- 17 (10) Fabricate, adjust, cement, and remove indirect provisional  
18 restorations, including stainless steel crowns when used as a  
19 provisional restoration.
- 20 (11) Place post-extraction dressings after inspection of the  
21 surgical site by the supervising licensed dentist.
- 22 (12) Place periodontal dressings.
- 23 (13) Dry endodontically treated canals using absorbent paper  
24 points.
- 25 (14) Adjust dentures extra-orally.
- 26 (15) Remove excess cement from surfaces of teeth with a hand  
27 instrument.
- 28 (16) Polish coronal surfaces of the teeth.
- 29 (17) Place ligature ties and archwires.
- 30 (18) Remove orthodontic bands.
- 31 (19) All duties that the board may prescribe by regulation.

32 (b) A registered dental assistant may only perform the following  
33 additional duties if he or she has completed a board-approved  
34 registered dental assistant educational program in those duties, or  
35 if he or she has provided evidence, satisfactory to the board, of  
36 having completed a board-approved course in those duties.

37 (1) Remove excess cement with an ultrasonic scaler from  
38 supragingival surfaces of teeth undergoing orthodontic treatment.

39 (2) The allowable duties of an orthodontic assistant permitholder  
40 as specified in Section 1750.3. A registered dental assistant shall

1 not be required to complete further instruction in the duties of  
2 placing ligature ties and archwires, removing orthodontic bands,  
3 and removing excess cement from tooth surfaces with a hand  
4 instrument.

5 (3) The allowable duties of a dental sedation assistant  
6 permitholder as specified in Section 1750.5.

7 (4) The application of pit and fissure sealants.

8 (5) Determine which radiographs to perform.

9 (c) Except as provided in Section 1777, the supervising licensed  
10 dentist shall be responsible for determining whether each  
11 authorized procedure performed by a registered dental assistant  
12 should be performed under general or direct supervision.

13 ~~(d) This section shall become operative on January 1, 2010.~~

14 SEC. 2. Section 1753.5 of the Business and Professions Code  
15 is amended to read:

16 1753.5. (a) A registered dental assistant in extended functions  
17 licensed on or after January 1, 2010, is authorized to perform all  
18 duties and procedures that a registered dental assistant is authorized  
19 to perform as specified in and limited by Section 1752.4, and those  
20 duties that the board may prescribe by regulation.

21 (b) A registered dental assistant in extended functions licensed  
22 on or after January 1, 2010, is authorized to perform the following  
23 additional procedures under direct supervision and pursuant to the  
24 order, control, and full professional responsibility of a licensed  
25 dentist:

26 (1) Conduct preliminary evaluation of the patient's oral health,  
27 including, but not limited to, charting, intraoral and extra-oral  
28 evaluation of soft tissue, classifying occlusion, and myofunctional  
29 evaluation.

30 (2) Perform oral health assessments in school-based, community  
31 health project settings under the direction of a dentist, registered  
32 dental hygienist, or registered dental hygienist in alternative  
33 practice.

34 (3) Cord retraction of gingiva for impression procedures.

35 (4) Size and fit endodontic master points and accessory points.

36 (5) Cement endodontic master points and accessory points.

37 (6) Take final impressions for permanent indirect restorations.

38 (7) Take final impressions for tooth-borne removable prosthesis.

39 (8) Polish and contour existing amalgam restorations.

40 (9) Place, contour, finish, and adjust all direct restorations.

1 (10) Adjust and cement permanent indirect restorations.

2 (11) Other procedures authorized by regulations adopted by the  
3 board.

4 (c) All procedures required to be performed under direct  
5 supervision shall be checked and approved by the supervising  
6 licensed dentist prior to the patient's dismissal from the office.

7 (d) (1) A registered dental assistant in extended functions  
8 licensed on or after January 1, 2010, is authorized to place interim  
9 therapeutic restorations, defined as the removal of ~~earries~~ *caries*  
10 using hand instruments and placement of an adhesive restorative  
11 material, upon the order of the supervising dentist under general  
12 supervision, except as authorized pursuant to paragraph ~~(2)~~ (3),  
13 and pursuant to the order, control, and full professional  
14 responsibility of a licensed dentist.

15 (2) *A registered dental assistant in extended function may only*  
16 *perform the functions authorized pursuant to paragraph (1) if he*  
17 *or she has completed a board-approved registered dental assistant*  
18 *in extended function education program in performing those*  
19 *functions, or if he or she has provided evidence, satisfactory to*  
20 *the board, of having completed a board-approved course in those*  
21 *functions.*

22 ~~(2)~~

23 (3) The supervising licensed dentist shall be responsible for  
24 determining whether the functions authorized pursuant to paragraph  
25 (1) may be performed under general or direct supervision.

26 SEC. 3. Section 1753.6 of the Business and Professions Code  
27 is amended to read:

28 1753.6. (a) Each person who holds a license as a registered  
29 dental assistant in extended functions on the operative date of this  
30 section may only perform those procedures that a registered dental  
31 assistant is allowed to perform as specified in and limited by  
32 Section 1752.4, and the procedures specified in paragraphs (1) to  
33 (6), inclusive, until he or she provides evidence of having  
34 completed a board-approved course in the additional procedures  
35 specified in paragraphs (1), (2), (5), and (7) to (11), inclusive, of  
36 subdivision (b), and paragraph (1) of subdivision (d), of Section  
37 1753.5, and an examination as specified in Section 1753.4:

38 (1) Cord retraction of gingiva for impression procedures.

39 (2) Take final impressions for permanent indirect restorations.

1 (3) Formulate indirect patterns for endodontic post and core  
2 castings.

3 (4) Fit trial endodontic filling points.

4 (5) Apply pit and fissure sealants.

5 (6) Remove excess cement from subgingival tooth surfaces with  
6 a hand instrument.

7 (b) This section shall become operative on January 1, 2010.

8 SEC. 4. Section 1910 of the Business and Professions Code is  
9 amended to read:

10 1910. A registered dental hygienist is authorized to perform  
11 the following procedures under general supervision:

12 (a) Preventive and therapeutic interventions, including oral  
13 prophylaxis, scaling, and root planing.

14 (b) Application of topical, therapeutic, and subgingival agents  
15 used for the control of caries and periodontal disease.

16 (c) The taking of impressions for bleaching trays and application  
17 and activation of agents with nonlaser, light-curing devices.

18 (d) The taking of impressions for bleaching trays and placements  
19 of in-office, tooth-whitening devices.

20 ~~(e) Operate dental radiography equipment for the purpose of~~  
21 ~~oral radiography.~~

22 ~~(f)~~

23 (e) After submitting to the committee evidence of satisfactory  
24 completion of a course of instruction approved by the committee,  
25 the following:

26 (1) Determine which radiographs to perform.

27 (2) Place interim therapeutic restorations, defined as the removal  
28 of ~~earries~~ caries using hand instruments and placement of an  
29 adhesive restorative material, upon the order of a licensed dentist.

30 SEC. 5. Section 14132.726 is added to the Welfare and  
31 Institutions Code, to read:

32 14132.726. (a) To the extent that federal financial participation  
33 is available, face-to-face contact between a health care provider  
34 and a patient shall not be required under the Medi-Cal program  
35 for teledentistry by store and forward. Services appropriately  
36 provided through the store and forward process are subject to  
37 billing and reimbursement policies developed by the department.

38 (b) A patient receiving teledentistry by store and forward shall  
39 be notified of the right to receive interactive communication with  
40 the distant dentist, and shall receive an interactive communication

1 with the distant dentist, upon request. If requested, communication  
2 with the distant dentist may occur either at the time of the  
3 consultation, or within 30 days of the patient's notification of the  
4 results of the consultation.

5 (c) Dentist participation in services provided at an intermittent  
6 clinic, as defined in Section 1206 of the Health and Safety Code,  
7 through the use of telehealth, as defined in Section 2290.5 of the  
8 Business and Professions Code, shall be considered a billable  
9 encounter under Medi-Cal.

10 (d) Notwithstanding Chapter 3.5 (commencing with Section  
11 11340) of Part 1 of Division 3 of Title 2 of the Government Code,  
12 the department may implement, interpret, and make specific this  
13 section by means of all-county letters, provider bulletins, and  
14 similar instructions.

15 (e) On or before January 1, 2017, the department shall report  
16 to the Legislature the number and type of services provided, and  
17 the payments made related to the application of store and forward  
18 teledentistry as provided, under this section as a Medi-Cal benefit.

19 (f) For purposes of this section, the following definitions apply:

20 (1) "Asynchronous store and forward" means the transmission  
21 of a patient's dental information from an originating site to the  
22 health care provider at a distant site without the presence of the  
23 patient.

24 (2) "Distant site" means a site where a health care provider who  
25 provides health care services is located while providing these  
26 services via a telecommunications system.

27 (3) "Health care provider" means a person who is licensed under  
28 Chapter 4 (commencing with Section 1600) of Division 2 of the  
29 Business and Professions Code.

30 (4) "Originating site" means a site where a patient is located at  
31 the time health care services are provided via a telecommunications  
32 system or where the asynchronous store and forward service  
33 originates.

34 (5) "Synchronous interaction" means a real-time interaction  
35 between a patient and a health care provider located at a distant  
36 site.

37 (6) "Teledentistry" means the mode of delivering dental health  
38 care services and public dental health via information and  
39 communication technologies to facilitate the diagnosis,  
40 consultation, treatment, education, care management, and

1 self-management of a patient’s dental health care while the patient  
2 is at the originating site and the dental health care provider is at a  
3 distant site. Teledentistry includes synchronous interactions and  
4 asynchronous store and forward transfers.

5 (7) “Teledentistry by store and forward” means an asynchronous  
6 transmission of dental information to be reviewed at a later time  
7 by a licensed dentist at a distant site, where the dentist at the distant  
8 site reviews the dental information without the patient being present  
9 in real time.